

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF FLORIDA  
PENSACOLA DIVISION

IN RE:

MINI-FARMS, INC.  
OF FLORIDA,

CASE NO. 87-04457

Chapter 7

Debtor.

MARK FREUND, as trustee of  
the bankruptcy estate of  
Mini-Farms, Inc.,

Plaintiff,

vs.

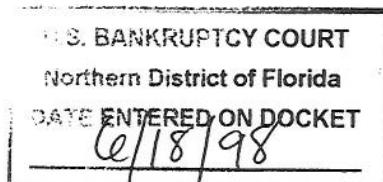
ADV. PRO. NO. 98-80004

DAN BODIFORD, in his official  
capacity of Clerk, Circuit  
Court of Walton County,  
Florida, and BYRON D. BEELER,

Defendants.

SUMMARY FINAL JUDGMENT

This matter is before the Court on the motion by plaintiff, Chapter 7 trustee, Mark Freund ("trustee"), for summary final judgment in the above-styled adversary proceeding. The Court has reviewed the record of this case and finds that no hearing is necessary because (a) the summons and complaint were served properly upon defendant Dan Bodiford, in his official capacity of Clerk, Circuit Court of Walton County, Florida ("Clerk") and Byron D. Beeler ("Beeler"); (b) the Clerk has failed to file or serve any response to the



CLERK  
BANKRUPTCY COURT  
NORTH/DIST-FLA  
PENSACOLA, FLA

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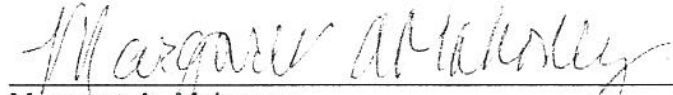
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summons and complaint; and (c) the untimely paper filed by Beeler admits that the trustee is entitled to the relief requested.

Accordingly, this Court concludes that there are no issues of material fact and that the trustee is entitled to judgment as a matter of law. It is therefore ORDERED and ADJUDGED that:

- (a) the trustee's motion for summary final judgment is GRANTED;
- (b) the \$16,874.10 of surplus funds held by the Clerk are property of the bankruptcy estate of the debtor, Mini-Farms, Inc., and defendant Byron Beeler has no ownership interest or rights in such funds; and
- (c) the Clerk is ordered to turnover to the trustee the \$16,874.10 of surplus funds for administration in accordance with the Bankruptcy Code.

DONE and ORDERED on this 18 day of June, 1998.


  
Margaret A. Mahoney  
Chief Bankruptcy Judge

Prepared by:  
Heather M. Conger, Esq.

Copies furnished to:

Mr. Dan Bodiford  
George R. Miller, Esq.  
Mr. Byron D. Beeler  
Heather M. Conger, Esq.

I HEREBY CERTIFY that this is a true and correct copy of the original on file in the office of the Clerk, United States Bankruptcy Court for the Northern District of Florida.

LARRY A. PACE, Clerk, Bankruptcy Court  
By   
Deputy Clerk